

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	3:01CR36
	)	3:05CV25
v.	)	
	)	
RAMON ANGEL GARCIA,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence by a person in federal custody (Filing No. 1 in 3:95CV25). The Court notes that this motion was filed on January 18, 2005, but has just been called to the Court's attention. However, the motion is timely filed. The Fourth Circuit decision affirming defendant's conviction and sentence was filed on January 22, 2004. Defendant would have until April 24, 2005, to file his motion. Accordingly,

IT IS ORDERED that plaintiff shall have until February 17, 2006, to respond to defendant's motion.

DATED this 26th day of January, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court